

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GREGORY WESTHOFF,

No. 08 Civ 4336(WWC)

Plaintiff,

- against -

STEFANI MIOTTO and KELLY GREEHAN,

Defendants.

**NOTICE OF CROSS-MOTION
TO DISMISS THE COMPLAINT
AGAINST MIOTTO AND TO
ENJOIN WESTHOFF**

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PLEASE TAKE NOTICE that upon the annexed Memorandum of Law, defendant Stefani Miotto will cross-move this Court, before the Hon. William C. Connor, at the United States Courthouse, 3 Quarropas Ave., White Plains, NY 10601, for an order (1) pursuant to Rule 13(a) of the F.R.C.P. dismissing the COMPLAINT of the plaintiff against defendant Stefani Miotto on the grounds that the claims set forth therein are compulsory counterclaims which are forfeited since they were not asserted in the matter of Stefani Miotto v. Yonkers Public Schools, Westhoff, et al., Case No. 07 Civ. 1033, (2) enjoining Westhoff from bringing or continuing these claims in any other court, and (3) for such other and further relief as to the Court may seem equitable, just and proper.

This Cross-Motion is directed to and in opposition to the

Motion to Remand filed by plaintiff on June 6, 2008.

Dated: Hawthorne, NY
June 10, 2008

/s Norman M. Block
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